IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P.(M) No. 376 of 2007

Date of decision 19.6.2007

Balak Ram and another **…Petitioners.**

Versus

State of H.P. **…Respondent.**

Coram

The Hon'ble Mr. Justice : Surjit Singh, Judge.

Whether approved for reporting?[1]

For the petitioners : **Mr. T.R. Chandel, with Mr. Vinay Thakur, Advocates.**

For the respondent : **Mr. Ashok Chaudhary, Addl. A.G.**

Surjit Singh, Judge (Oral)

2. The applicants along-with a lady, named shanty Devi, are alleged to have committed offences punishable, under Sections 302, 341 and 323 of the Indian Penal Code for wrongfully restraining deceased Prem Lal and murdering said Prem Lal and voluntarily causing simple injuries to Meera and Kapil Dev. Shanti has already been released on bail by the Sessions Court. The present applicants and their accomplice Shanti Devi are alleged to have committed the aforesaid offences in furtherance of their common intention.

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[1] **Whether reporters of the local papers may be allowed to see the judgment?**

3. I have heard the learned counsel for the applicants as also the learned Additional Advocate General for the respondent – State and gone through the record.

4. Perusal of the record shows that one blow of 'Gainti' was given on the head of deceased Prem Lal by Balak Ram as a result of which he sustained fractures of skull at two points and died almost instantaneously. The other applicant Surinder, even though alleged to be armed with a 'Darat', apparently gave no blow with that 'Darat' on any part of the person of the deceased, though he is alleged to have caused hurts to Meera and Kapil Dev by means of that 'Darat' by using its blunt side.

5. Looking to the facts and circumstances of the case and without commenting upon the submission that this is not a case of commission of crime in furtherance of common intention, as made by the learned counsel for the applicants, I feel that this is a fit case where applicant Surinder should be released on bail. Hence, his prayer for grant of bail is allowed and it is ordered that he be released on his furnishing bail bond in the sum of Rs.20,000/- with one surety in the like amount, to the satisfaction of the Judicial Magistrate, Theog.

6. The prayer of the second applicant Balak Ram, for being released on bail, is rejected in view of the fact that he appears to have inflicted fatal blow(s) on the head of the deceased. Application stands disposed of.

Dasti copy, as prayed for, on usual terms.

June 19, 2007 (BC) **(Surjit Singh), J.**